

Notice of Allowability

Application No.

09/758,624

Examiner

Harish T. Dass

Applicant(s)

ELLIOTT, DOUGLAS R.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 7, 2006.
2. ☒ The allowed claim(s) is/are 12-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

Claims 12-17 are allowed.

1. The following is an examiner's statement of reasons for allowance:

Prior art taken alone or in combination failed to teach or suggest the limitations of:

obtaining title to said intellectual property:

i) in exchange, paying the initial ownership, from a general trust account, an amount not more than the assessed value of said intellectual property,

ii) obtaining funding for said general trust account from a plurality of initial investor accounts,

granting a license to said initial ownership to use said in at least one other intellectual property in exchange for at least one payment from said initial ownership,

granting a license to said initial ownership to use said in at least one other intellectual property in exchange for at least one payment from said initial ownership, and

obtaining title to said at least one other intellectual property in exchange for paying not more than the assessed value of said at least one other intellectual property to said initial ownership, and obtaining said payment to the initial ownership from a general trust account, as recited in independent claim 12.

Prior art:

US 5,126,936 (Champion et al.) discloses a data processing system for managing a goal directed investment account, designed for individual and small institutional investors. More particularly, the present invention relates to a programmed controlled financial asset management system for implementing investor participation in capital markets through long and short positions in indexed investment vehicles.

US 6,018,714 (Risen, Jr. et al.) discloses a method of spreading the financial risks associated with the purchase, ownership and use of intellectual property, providing an insurance product which protects the value of intellectual property assets, insuring the validity of patents, trademarks, copyrights and other intellectual property, insurance for patents and other intellectual property in the context of acquisitions and mergers, providing protection against an unexpected change in value of an intellectual property asset, and providing compensation for an unexpected change in value of said at least one intellectual property asset.

US 5,884,285 (Atkins) discloses a method and apparatus for effecting an improved personal financial management program incorporating means of implementing, coordinating, supervising, analyzing and reporting upon investments in an array of assets and credit facilities.

WO - none

NPL

Kieso et al "Intermediate Accounting", John Wiley & Sons, Inc., eighth edition 1995, pages 571-619; ISBN 0-471-59759-7, discloses valuation and purchasing of intangible assets, and a method or an algorithm for assessing a value of an intellectual property.

FindLaw for Legal Professionals "US Fed Circuit Court of Appeals - Rhone-Poulence v Dekalb Genetics", dated March 26, 2002, discloses the court case about non-exclusive licensees and acquiring the sublicense from licensee.

Each of the prior art taken alone or in combination failed to teach or suggest the above features recited in independent claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 12-17 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693

10/25/06


ELLA COLBERT
PRIMARY EXAMINER